

Debbie Renner

From: Melanie Kelly [mkelly@orlandolaw.net]
Sent: Thursday, September 11, 2008 10:53 AM
To: Debbie Renner; Chester Murray
Subject: FW: Council Policies and Procedures.

Attachments: SDOC3140.pdf



SDOC3140.pdf (2
MB)

FYI

-----Original Message-----

From: Melanie Kelly
Sent: Thursday, September 11, 2008 10:52 AM
To: 'hstrickland@ci.orange-city.fl.us'
Subject: FW: Council Policies and Procedures.

Dear Mayor Strickland:

Per our conversation, I attach Palm Coast's "Meeting Policies". Note Section V(E).

Sincerely,

William E. Reischmann, Jr., Esquire

-----Original Message-----

From: toshibascanner@orlandolaw.net
[mailto:toshibascanner@orlandolaw.net]
Sent: Thursday, September 11, 2008 11:10 AM
To: Melanie Kelly
Subject:

This E-mail includes attached file(s) sent from "RNP8AC0FE"
(e-STUDIO900).

Scan Date: 09.11.2008 10:09:51 (-0500)
Queries to: toshibascanner@orlandolaw.net

RESOLUTION 2008-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CITY COUNCIL POLICIES AND PROCEDURES RELATING TO MEETINGS AND WORKSHOPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council formally adopted Policies and Procedures relating to City Council meetings and workshops on February 22, 2000, with an effective date of February 29, 2000; and

WHEREAS, City Council believes it is in the best interest of the City of Palm Coast to update City policies and procedures; and

WHEREAS, City Council has reviewed the Policies and Procedures relating to City Council meetings and workshop and has noted area that required updating; and

WHEREAS, City Council instructed City staff to amend the Policies and Procedures as noted in their workshop meeting of December 11, 2007.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Palm Coast, Florida:

SECTION 1. APPROVAL OF POLICIES AND PROCEDURES. The City Council of the City of Palm Coast hereby adopts the Policies and Procedures relating to City Council meetings and workshop as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4. IMPLEMENTING ACTIONS. The City Mayor, or designee, is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

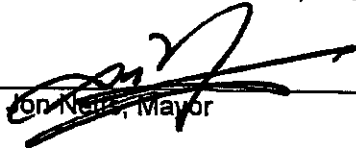
SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 5th day of February 2008.

CITY OF PALM COAST, FLORIDA

ATTEST:


Clare M. Hoehi, City Clerk


Jon Neill, Mayor

Attachment:

Exhibit "A", City Council Policy and Procedures

Subject Index: Amendment to City Council Policy and Procedures 2008 Update

JANUARY 31, 2008
Meeting Policies and Procedures
Mayor and City Council
Palm Coast, Florida
February 5, 2008

It is the policy of the Palm Coast City Council that these Rules of Procedure shall govern all official meetings of the City Council. The members of the City Council, City Manager, City Attorney, City staff, and the public shall adhere to these rules, to wit:

I. Governing Rules.

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the City Council shall be governed by *Robert's Rules of Order Revised* in all cases in which they are applicable as determined to be consistent with the customs and practices of the City Council.

II. Open to the Public.

- A. Meetings Open to Public. All meetings of the Palm Coast City Council shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, *Florida Statutes*.
- B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), *Florida Statutes*, meetings regarding risk management claims, Section 768.28(15), *Florida Statutes*, and litigation meetings pursuant to Section 286.011(8), *Florida Statutes*, the City Council shall follow all statutory requirements for exempt meetings.
- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the controlling Fire Code, there may be occasions when entrance by the public to the City Council Chambers or other meeting rooms shall be limited. In cases where there is limited seating capacity, every effort will be made to provide "overflow seating" in a room or rooms equipped with "streaming" audio and video of the meeting in progress.
- D. Accessibility. All meetings of the Mayor and City Council shall be conducted in a publicly accessible building and, as feasible, provide access to meetings through diverse media sources.
- E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in the meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

III. Quorum.

- A. Quorum. A majority of the entire City Council shall constitute a quorum. No

ordinance, resolution, policy, or motion shall be adopted by the City Council without the affirmative vote of the majority of the members present or, if required by the *Florida Statutes*, a super-majority vote of the members present.

- B. Remaining in Chambers. During a City Council meeting, City Council Members should remain in the City Council Chambers at all times unless an emergency or illness should occur. City Council Members present in the meeting should not absent themselves for a particular item.
- C. Conflict of Interest. Any member of the City Council who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, *Florida Statutes*, and chooses to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- D. Loss of Quorum. In the event that a City Council Member is required to depart a City Council meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- E. No Quorum. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the City Council, or upon a meeting having commenced with a quorum, which quorum has been lost, the Mayor or the Vice-Mayor, or in their absence, another City Council Member, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the City Clerk. In the event that an emergency situation, such as a hurricane or other similar event, results in the unavailability of a quorum for a meeting or public hearing, the City Manager, or designee, may grant a continuance of the meeting, but, if practicable, shall be present at the site of the meeting or public hearing, post a notice of a continuance to a later date and time and advise members of the public who attempt to attend of the date and time of the meeting or hearing.

IV. Presiding Officer.

- A. Mayor. The Presiding Officer shall be the Mayor of the City of Palm Coast. The Mayor presides at all meetings of the City Council. The Mayor's responsibilities shall include, but not be solely limited to:
 - 1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
 - 2. Announce the business to come before the City Council, in accordance with the prescribed order of business.
 - 3. Recognize all City Council, the City Manager or City Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Mayor.
 - 4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the City Council Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
 - 5. Call to order any member of the City Council who violates any of these procedures and, when presiding, decide questions of order, subject to a

majority vote on a motion to appeal.

6. Expedite business in every way compatible with the rights of the members.
 7. Remain objective. For the Mayor to make a motion, the gavel must be relinquished. Upon relinquishing the gavel, the Mayor or such other members of the City Council who may be presiding may offer motions and seconds, subject only to limitations of debate. The gavel shall be relinquished in the following order:
 - (a) to the Vice-Mayor;
 - (b) to other City Council Members based upon seniority.
 8. In the event that the Mayor relinquishes the gavel to offer a motion or a second he/she should not resume chairing the meeting until the pending main motion has been decided.
 9. Declare the meeting adjourned when the City Council so votes, or at any time in the event of an emergency affecting the safety of those present.
- B. Vice Mayor. In the absence of the Mayor or in the event of the Mayor's inability to serve by reason of illness or accident, the Vice Mayor shall perform the duties and functions of the Mayor until the Mayor's return or recovery and resumption of duty. In the absence of both the Mayor and Vice Mayor, City Council Members, in order of their seniority, shall chair.

V. Order of Business.

- A. Official Agenda. There shall be an official agenda for every meeting of the City Council, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the City Council shall be conducted in accordance with the official agenda subject to matters being added on to an agenda consistent with these Policies and Procedures.
- B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the City Manager in a form approved by the City Council. The City Manager shall make available to City Council Members a copy of the agenda before the meeting. All supporting information for agenda items shall be delivered to the City Council no later than the evening of three (3) business days before the regular meeting.
- C. Agenda Format for Regular Meeting. The agenda format for a regular City Council meeting shall be in substantially the form as set forth below; provided, however, that the Mayor may move agenda items as he or she deems in the public interest or for the convenience of the public or City Council Members:
 1. Call to Order and Pledge of Allegiance.
 2. Awards and Presentations.
 3. Scheduled Public Hearings.

4. General Business.
5. Consent Agenda.
6. Public Comments on Non-Agenda Items (three (3) minute limit).
7. City Council Comments and Directions for Action on Non-Agenda items.
8. City Manager Comments and City Attorney reports, as needed.
9. Adjournment.

- D. Scheduled Public Hearings. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular City Council meetings, public hearings shall be heard as the first order of business or as soon thereafter as is possible. In the event the party initiating the public hearing process requests a continuance of a public hearing after a notice of the hearing has been distributed, posted or published; the City Manager, or designee, may, in the event that the City Manager concludes that the motion has been filed in good faith and not solely for the purposes of delay or another improper purpose, grant the motion to continue and notify other potentially affected or interested parties of the continuance; provided, however, that this power shall only be applicable to the first request for a continuance and any other requests shall be subject to approval by the City Council.
- E. General Business. Business items are items of a general nature that require City Council direction or pertain to City Council policy. The City Council shall provide an opportunity for the public to comment on each item considered under general business. Persons commenting shall limit their contribution to three (3) minutes. All comments shall be addressed to the Mayor.
- F. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein may be voted on with a single motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past City Council direction or policy. However, any City Council Member may withdraw an item from the consent agenda and it shall then be voted on individually.
- G. Public Comments on Non-Agenda Items. The public may provide comments to the City Council relative to matters not on the agenda for a meeting at an appropriate time during the course of each meeting. Following all comments from the public, there may be discussion by the City Council, but the City Council shall take no major policy action except to agenda the topic for a later date or by a unanimous vote of the City Council, but may take action to address exigent matters or to ensure that matters are addressed in a timely manner.
- H. City Council Comments. The purpose of City Council Comments is to promote the public discussion of City Business and to encourage the dissemination of information. The City Council shall take no major policy action without an agenda item unless such is approved by the consent of the City Council, but may take action to address exigent matters or to ensure that matters are addressed in a timely manner.

- I. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only by the Mayor or upon motion and consent of the majority of City Council members of the City Council present at the meeting.
- J. Placing Items on Agenda. Matters may be placed on the agenda by the City Manager or by any member of the City Council. When a City Council Member wishes to place a matter on the agenda, the City Council Member shall raise the matter at a regular City Council meeting or workshop, and seek the City Council's consent for inclusion of the matter on the next available regular agenda or, in exigent circumstances or circumstances clearly warranting immediate action, on the current agenda. A City Council Member may not unilaterally add a matter to an agenda without the majority of the City Council's prior approval.
- K. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the City Council. Non-agenda matters shall generally be confined to items that are informational only consistent with these Policies and Procedures.
- L. Supplemental Agenda Items. Items not included on the agenda for a meeting should be considered by the City Council only in exigent circumstances or as otherwise stated in these Policies and Procedures, for issues that are time critical or cost sensitive to the City. If the "supplemental" agenda is approved, the City Manager shall modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas if time permits. Furthermore, the City's Web site should be updated to reflect the new agenda as soon as practicable. For matters of extreme emergency, a special meeting of the City Council may be called by the Mayor or a majority of the City Council upon adequate notice being provided under Section 286.011, *Florida Statutes*.
- M. Announcing Agenda Items. The Mayor shall announce each item on the agenda. The City Manager or City Attorney shall then present the item to the City Council.

VI. Special Meetings and Emergency Meetings.

- A. Special Meeting. A special meeting of the City Council may be called by the City Manager, the Mayor, or by a majority of the members of the City Council. Whenever a special meeting is called, the City Manager shall serve personal notice upon each member of the City Council stating the date, hour and place of the meeting and the purpose for which such meeting is called. At least twenty-four (24) hours must elapse between the time City Council receives notice and the time the meeting is held. However, if a determination to hold a special meeting is reflected upon the record of any regular City Council meeting, no additional notice is necessary. If after reasonable diligence, it was impossible to give notice to each City Council Member or it was impossible to let twenty-four (24) hours elapse between the time the notice of the meeting and the time the meeting was held, such failure shall not affect the legality of the meeting if a quorum is in attendance.
- B. Emergency Meeting. An emergency meeting of the City Council may be called by the City Manager or the Mayor whenever in his, her, or their opinion an emergency exists which requires immediate action by the City Council. Whenever such an emergency

meeting is called, the City Manager shall serve personal notice upon each member of the City Council, stating the date, hour and place of the meeting and the purpose for which it is called. At least twenty-four (24) hours shall elapse between the time the City Council receives notice of the meeting and the time the meeting is to be held. If because of the nature of the emergency it was impossible to give notice to each City Council Member or it was impossible to let twenty-four (24) hours elapse between the time the notice of the meeting and the time the meeting was held, such failure shall not affect the legality of the meeting if a quorum is in attendance.

- C. Minutes: Open Meetings. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the City Council, or shall show a waiver of notice. (See paragraph D. below) Minutes thereof shall be kept by the City Manager. All special or emergency meetings shall be open to the public.
- D. Notice. Reasonable public notice, sufficient to comply with the provision and intent of Section 286.011, *Florida Statutes*, must be given and in no event may be waived.
- E. Litigation Meetings. The City Attorney may request litigation strategy meetings in accordance with the controlling provisions of State law.

VII. Parliamentarian.

The City Attorney shall act as parliamentarian and shall advise and assist the Mayor in matters of parliamentary law. In the absence of a policy or procedure as provided for by these Policies and Procedures, the parliamentarian shall refer to such sources as he or she deems appropriate to provide guidance to the City Council.

VIII. Rules of Debate.

A. Decorum.

- 1. Every City Council Member desiring to speak should address the Mayor, and upon receiving recognition by the Mayor, shall confine discussion to the question under debate.
- 2. City Council Members shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Mayor or other City Council Members are speaking; and disturbing the City Council.
- 3. A City Council Member, once recognized, should not be interrupted when speaking unless said Member is being called to order. The Member should then cease speaking until the question of order is determined, without debate, by the Mayor. If in order, said member shall be at liberty to proceed.
- 4. A City Council Member shall be deemed to have yielded the floor when he or she has finished speaking. A Member may claim the floor only when recognized by the Mayor.

B. Motions.

- 1. All motions shall be made and seconded before debate.
- 2. When a motion is presented and seconded, it is under consideration and no

other motion shall be received thereafter, except to: adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned.

3. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.

C. Motions to Amend. An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A City Council Member may amend the main motion in either of the following ways:

1. Consent of the City Council Members. The Mayor, or another City Council Member through the Mayor, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

IX. Voting.

- A. Votes and Voice Votes. The Mayor may, after a motion is made and seconded as to a matter, ask if there is objection to the motion and, if none is stated, all votes shall be recorded as affirmative "aye" votes on the matter; provided, however, if directed by the Mayor, votes shall be taken by roll call voice votes.
- B. Results. At the conclusion of voting the City Clerk shall announce the results. Upon any roll call, there shall be no discussion by any City Council Member prior to voting, and each City Council Member shall vote either in the affirmative or negative on the matter in accordance with custom unless abstaining from a vote in accordance with the controlling provisions of law.
- C. Voting. Every member who was in the City Council Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, *Florida Statutes*. If any City Council Member declines to vote "aye" or "nay" by voice, his or her silence shall be counted as an "aye" vote.
- D. Absent for Vote; Changing Vote. If a City Council Member is momentarily absent from a meeting and misses a vote on a particular item or a City Council Member desires to change his or her vote on a matter, a vote may be recorded or a vote may be changed if such action occurs before the next item is called for consideration, or before a recess or adjournment of the meeting occurs, whichever occurs first. After

either such event, no vote of a City Council Member may be recorded or changed except with the consent of all the City Council Members who voted thereon. If an advertised public hearing has concluded no vote may be modified if not permitted by controlling State law. A City Council Member changing his or her vote on a matter or voting after an absence shall not be entitled to move for reconsideration of the vote as a voting City Council Member on the prevailing side of the matter.

- E. City Council Reconsideration Of/Rescinding Action Previously Taken. A motion to reconsider enables the City Council to set aside a vote on a main motion taken at the same meeting, or at the next meeting as set forth herein. If a motion to reconsider is made and passed, the City Council may set aside the reconsidered vote and consider the matter anew as though no vote had been taken. Only a City Council Member who voted on the prevailing side of the matter may make a motion to reconsider. Motions to reconsider may only be made when no other matter is being considered or heard. A motion to reconsider merely determines whether or not to reconsider the matter to which the motion is directed. If successful, a motion on the main matter must be made and acted upon. The last opportunity to make a motion to reconsider is the meeting after the action occurred for which reconsideration is proposed. If the motion relates to a matter heard at a public hearing which has concluded, and the motion is successful, all required advertisements and notices shall be implemented to notify affected persons and the public that the matter will be reheard.
- F. Majority Vote; Super Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution requires a majority vote of a quorum of the City Council unless a controlling provision of law requires otherwise. In the case of a tie vote on any matter, the action shall be deemed not to have been approved; provided, however, that if an advertised public hearing results in a tie vote, all reasonable consideration shall be given to continuing the hearing if the tie results from an absence of a City Council Member and not recusal or a long term inability to attend..
- G. Voting Conflict. A City Council Member shall not vote on a matter when the City Council Member has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, *Florida Statutes*. A City Council Member abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that City Council meeting, the City Council Member shall file with the Clerk a Form 8B "Memorandum of Voting Conflict" which describes the nature of the interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.
- H. Votes On City Council Appointees. When making appointments to City boards, committees, etc., the City Council shall attempt, insofar as practical, to reflect the diversity of the City. The City Manager shall design a form that shall be used to record City Council Member votes for appointees when motions are made relative to appointments unless the Mayor determines that a voice vote is appropriate.

X. Public Input: Addressing the City Council.

- A. Public Input. The City Council recognizes the importance of protecting the right of the public to express their opinions on the operation of City government and encourage citizen participation in the local government process. The City Council

also recognizes the necessity for conducting orderly and efficient meetings in order to complete City business in a timely manner. Public participation shall be encouraged in order that the public interest may be best served with regard to all matters. Also, it is acknowledged that quasi-judicial proceedings require special treatment in order for the City to comport with the requirements of controlling law and afford administrative due process to all parties. The Mayor shall seek guidance from the City Attorney as to quasi-judicial proceedings as may be necessary under the particular circumstances of the matter.

- B. Non-Agenda Public Comments. The City Council shall provide a scheduled comment period for public comment on non-agenda items. This public comment period is denoted on the agenda as "Public Comments." The remarks of each speaker shall be limited to no more than three (3) minutes, unless the Mayor extends the time.
- C. Public Input on a Matter Pending Before the City Council. Each person who addresses the City Council on an agenda item pending before the City Council shall limit his or her presentation to three (3) minutes. The Mayor has the discretion to either extend or reduce the time limits, based on the number of speakers. The Mayor shall evaluate the statements of persons stating that they are either legal counsel for or a representative of a group or association of persons or entities in terms of granting such persons additional time to present the views of the group.
- D. Issues of Concern Expressed by the Public.
1. Members of the public may submit a "Public Inquiry Form" to the City Manager to provide him or her all necessary information relative to the matter of concern.
 2. The matter expressed in the "Public Inquiry Form" will then be considered by the City Manager, or his/her designee, and the City Manager may choose to resolve the matter or to present the matter to the City Council.
 3. In any event, the City Manager shall report to the City Council the filing of the "Public Inquiry Form" and any action that he or she may have taken.
 4. This procedure shall not be used if "appeal" mechanisms already exist to address the matter set forth in the "Public Inquiry Form" and the filing of a "Public Inquiry Form" shall not constitute the filing of an appeal under any provision of any City code or ordinance.
- E. Public Input at Workshops. As a general rule, the City Council does not accept public comments during City Council Workshops. Any City Council Member may, at his/her discretion, may request that a member of the public be heard on a matter under discussion by the City Council.
- F. Addressing the City Council.
1. When addressing the City Council, each individual in turn, shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:

- (a). name;
 - (b). place of residence or business address;
 - (c). if requested by the Mayor, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
2. All remarks shall be addressed to the Mayor.
 3. Speakers must make their comments concise and to the point, and present any data or evidence they wish the City Council to consider. No person may speak more than once on the same subject unless specifically granted permission by the Mayor.
 4. If a person or group intends to introduce written or illustrative materials to be considered by the City Council, such materials, once submitted, become part of the public record and will not be returned to the presenter. Also, if such materials are voluminous, a presenter should provide the materials as early as possible to the City Manager for review and analysis and inclusion, as appropriate, in agenda materials. The presentation of voluminous materials at a City Council meeting could result in continuation of the matter.

G. Decorum.

1. Order must be preserved. It is prohibited for a person, by speech or otherwise, to delay or interrupt the proceedings or the peace of the City Council, or disturb any person having the floor. No person shall refuse to obey the orders of the Mayor or the City Council. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the City Council shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Mayor and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Mayor, unless permission to continue or again address the City Council is granted by the majority of the City Council Members present. Presentations at City Council meetings are to relate to matters on the agenda or matters that are suggested with regard to actions proposed to be taken by the City Council.
2. The use of presentations at City Council meetings for political campaign purposes is prohibited. Persons who attempt to use the public participation opportunity at City Council meetings for political campaign purposes shall be first cautioned to confine their comments to non-political campaign purposes and, failing to comport with such warning, shall relinquish their opportunity to make comments at the public participation time as enforced at the direction of the Mayor.
3. If the Mayor or the City Council declares an individual out of order, he or she will

be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the City Council Chambers or other meeting room and may be arrested by a law enforcement officer subject to Section 810.08(1), *Florida Statutes*.

4. Any person who becomes disruptive or interferes with the orderly business of the City Council may be removed from the City Council Chambers or other meeting room for the remainder of the meeting.

XI. Adjournment.

No meeting shall be permitted to continue beyond 11:00 P.M. without the approval of a majority of the City Council. A new time limit must be established before taking a City Council vote to extend the meeting. In the event that a meeting has not been adjourned or continued by City Council vote prior to 11:00 P.M., the items not acted on are to be continued to 9:00 a.m. on the following day, unless State law requires hearing a matter at a different time, or unless the City Council determines, by a majority vote of City Council Members present, some other time certain.

regulations for accountable reimbursement plans. This allowance will be in lieu of reimbursement for actual expenses substantiated by receipts. Travelers shall not be reimbursed for meals included in a convention or conference registration fee paid by the City.

b. Lodging. Actual expenses for lodging shall be reimbursed at a single occupancy rate to be substantiated by paid bills or on an advanced basis provided it is approved by the applicable authority.

(4) The City Manager may make or authorize advances to cover anticipated costs of travel. If the amount of the advancement is more than the amount actually due, the City officer or employee shall promptly return the difference to the City. If the amount of the advancement is less than actually expended, the City will reimburse the difference to the employee. Receipts must substantiate expenditures.

(5) The City will not reimburse for the cost of alcoholic beverages.

(6) If deemed appropriate, the City Manager may adjust payment amounts to meet special conditions.

(Ord. No. 00-59, § 3, 1-2-01)

Editor's note: * Attachment A is not included herein but is available for public inspection in City offices.

Sec. 2-20. Procedures.

A travel expense authorization form shall be completed before travel takes place. Such form will be reviewed, approved and, as appropriate, signed by the applicable authority. A travel expense report shall be completed with all applicable receipts and signatures and submitted to administrative services office within five days of completion of travel.

(Ord. No. 00-59, § 4, 1-2-01)

Sec. 2-21. Local mileage reimbursement request.

The local mileage reimbursement form is to be submitted when an employee uses their privately owned vehicle to conduct City business. This form shall be utilized for intra-county travel and out-of-county travel when mileage is the only travel expense. When expenses other than mileage are incurred, the traveler should submit the travel expense report.

Employees receiving a car allowance shall not receive reimbursement for destinations within the State of Florida.

(Ord. No. 00-59, § 5, 1-2-01)

Sec. 2-22. Reports.

When an employee or less than the entire City Council travels to a convention, conference, meeting or seminar held outside of Flagler County said traveler(s) shall provide a written report.

(Ord. No. 00-59, § 6, 1-2-01)

DIVISION 3. PURCHASES AND CONTRACTUAL SERVICES

FYS

PC Purchasing Policy
↓

Sec. 2-27. Quotes/bids/proposals.

(a) Except as otherwise provided in this division, procurement of goods or contractual services (including leases) with an estimated value greater than twenty-five thousand dollars (\$25,000.00) shall not be awarded without a formal solicitation process occurring. Solicitations may be in the form of an invitation to bid, request for proposals, request for statement of qualifications, or request for information.

(b) Except as otherwise provided in this division, procurement of goods or contractual services (including leases) with an estimated value greater than or equal to fifteen thousand dollars (\$15,000.00) but less than or equal to twenty-five thousand dollars (\$25,000.00) shall not be awarded without obtaining a minimum of three (3) written quotes. The City shall include all qualified vendors who have expressed a desire to do business with the City in its solicitations, in accordance with the procedures adopted by the City.

(c) Except as provided in this division, procurement of goods or contractual services (including leases) with an estimated value greater than or equal to three thousand dollars (\$3,000.00) but less than fifteen thousand dollars (\$15,000.00) shall not be awarded without obtaining a minimum of three (3) verbal quotes, which verbal quotes shall be documented by the appropriate a desire to do business with the City in its solicitations, in accordance with the procedures adopted by the City.

(d) In case of any emergency the City Manager, or designee may authorize emergency purchases. An emergency occurs when certain conditions might adversely affect the life, health, safety and welfare of City employees or citizens of the City, or when City property or equipment are endangered, or when it is necessary to maintain or restore vital services, or situations which may cause major financial impact to the City should immediate action not be taken. It shall be the responsibility of all authorized personnel to ensure each emergency purchase is accomplished in accordance with City policy and that emergency purchase procedures shall not be used to abuse or otherwise purposely circumvent the regular established purchasing procedures. Those delegated the authority to implement emergency purchases are also authorized to waive the bid process within their authority level in the event of an emergency. A report listing all emergency purchases and the circumstances of the emergency shall be submitted to the City Council at the next Council meeting after the purchase and the termination of the emergency.

(e) (1) The City may forego the quote/bid/proposal procedure by using a "state contract," by "joint utilization," or by "piggybacking."

(2) Purchasing or procurement by "state contract," "piggyback" or "joint utilization" is a procedure of procuring goods or services without formal bid procedures by means of utilizing other public entities' award of an Invitation for bids or request for proposals. This procedure also includes piggybacks of the State of Florida, Department of Management Services, and Division of Purchasing State Contracts, SNAPS Contracts, and Federal GSA contracts.

(3) The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the invitation for bids or request for proposals. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the City's bid limit. Expired bids cannot be piggybacked.

(4) The City Manager or designee may make purchases/awards in any amount utilizing other public entity bids regardless of dollar value, provided they are City Council approved budgeted items and are made in the best interests of the City.

(f) Item(s) whose aggregate purchase price in any one (1) year may reasonably be expected to exceed one (1) of the aforementioned thresholds may not be purchased in divided quantities to

avoid the requirements of this division.

(Ord. No. 2002-06, § 1, 12-17-02)

Sec. 2-28. Sole or proprietary source purchases.

- (a) Purchases of goods and/or services from a "sole source" or "proprietary source" are exempt from the requirement to obtain quotes or competitive bids.
- (b) The following criteria must be met in order to procure goods and services that are a sole source or proprietary source.
 - (1) It is the only item that will produce the desired results (or fulfill the specific need).
 - (2) The item is available from only one (1) source of supply.
 - (3) The item is available from more than one (1) vendor but due to extreme circumstances only one (1) vendor is suited to provide the goods or services.
- (c) Purchases of supplies, equipment and contractual services from a sole source or proprietary source are exempt from competitive requirements upon written approval of the City Manager, or designee, to include the finance director and other appropriate City personnel within their expenditure authority as set forth in this ordinance.
- (d) The request for sole source/proprietary source purchases shall set forth the purpose and need, in addition to why the item will exclusively produce the desired results (or fulfill the specific need). Compatibility to existing equipment shall be an acceptable justification for waiver of bidding requirements, provided the item is only available from a sole source of supply.
- (e) The user department and/or the buyer shall attempt to locate competition (alternate sources of supply).
- (f) The purchasing coordinator shall keep a log of sole source/proprietary purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number, which shall be filed with the City Manager and reported promptly to the City Council.
- (g) The purchasing coordinator shall conduct negotiations, as appropriate, as to price, delivery, and terms.

(Ord. No. 2002-06, § 2, 12-17-02)

Sec. 2-29. Approval requirements.

- (a) City Council approval shall be required for all contracts and bid awards in excess of thirty thousand dollars (\$30,000.00), except as provided in section 2-29(b)(1), or as required by the "Consultant's Competitive Negotiation Act."
- (b) The City Manager or designee shall have approval authority as follows:
 - (1) All purchases of capital items, goods and services as set out in the annual budget as adopted by the City Council, where the bid award price is not greater than ten (10) percent above the budgeted amount.
 - (2) Contracts for services up to thirty thousand dollars (\$30,000.00), where such services are part of a budgeted project or program, provided that the "Consultant's Competitive Negotiation Act," Section 287.055, Florida Statutes, has been fully complied with when appropriate.
 - (3) All purchases of supplies and/or materials as provided for in the adopted annual budget, where the bid award amount does not exceed thirty thousand dollars

(\$30,000.00) in a single award.

(c) Department heads or their designee shall have authority to approve purchases up to fifteen thousand dollars (\$15,000.00), where such purchase does not exceed the item and/or department budget limit.

(d) Emergency purchases shall be accomplished in accordance with section 2-27(d).

(e) The solicitation of competitive bids or proposals for any City construction project that is projected to cost more than \$200,000 shall be accomplished in accordance with the provisions of Section 255.0525, Florida Statutes.

(f) City utility projects that are regulated by the provisions of Chapter 180, Florida Statutes, shall be accomplished in accordance with the provisions of Chapter 180, Florida Statutes.

(g) Awards will be made to bidders or proposers from the City, Flagler County or the State of Florida, if all costs to the City are essentially equal. The City Council hereby finds that it serves a public purpose to, whenever practicable, to provide for a reasonable preference to local and Florida businesses which contribute to the local and Florida economy and enhance the tax base and tax revenues of the City.

(Ord. No. 2002-06, § 3, 12-17-02; Ord. No. 03-26, § 1, 10-7-03)

Sec. 2-30. Additional procedures/powers of City Manager.

The City Manager is hereby granted authority to adopt any and all such additional administrative policies and procedures supplemental to the provisions of this division that are in the best interests of the City, and not inconsistent with the intent of this division.

(Ord. No. 2002-06, § 4, 12-17-02)

Sec. 2-31. Disposal of surplus property.

Surplus property may be disposed of by trade, sealed bid, or sold at auction depending on the item, its value, or other factors all as may be in accordance with law and City policy. The City Council shall be advised of the items and rationale for disposal no less than two (2) weeks prior to such disposal.

(Ord. No. 2002-06, § 5, 12-17-02)